IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

-

WRIT PETITION NO : 20579 of 2004

Between:

1.Bestha Chalapati, S/o. Ganganna,
Puttaparty, Anantapur District.
2.Mummneni Venkataramudu, S/o. Subbaiah,
Peddakammavaripalli, Puttaparti(M), Anantapur District.
3.K. Chandrasekhara Rao, S/o. Rajagopala Rao,
Puttaparty, Anantapur District.
4.B. Kesappa, S/o. Obelesu,
Siddarampuram Village, Bukkapatnam Mandal, Anantapur District.

..... PETITIONERS

AND

1 Sri Satya Sai Urban Development Authority Rep by its Chairman, Puttaparty

Mandal, Anantapur District.
2 The Depot Manager, A.P.S.R.T.C., Puttaparty, Anantapur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction particularly one in the nature of Writ of Mandamus declaring the action of the respondents in interfering with the petitioners possession and enjoyment of an extent of Ac.0-15 C of land in S.No. 47-1 of Enumulapally Village, Anantapur District without following the due process of law as arbitrary, illegal and unconstitutional and consequently directing the respondents not to interfere with the possession and enjoyment of the above land except in accordance with the procedure established by law.

Counsel for the Petitioners: MR.A.HANUMANTHA REDDY

Counsel for the Respondent No.1: G.P. FOR GAD & HMA

Counsel for the Respondent No.2: MR.P.VINAYAKA SWAMY, SC FOR A.P.S.R.T.C.

The Court made the following:

ORDER:

Challenging the action of the respondents in interfering with the petitioners' possession and enjoyment of an extent of Ac.0.15 cents of land in Survey No.47-1 of Enumulapally village, Ananthapur District, the writ petition is filed.

The petitioners claim that they purchased an extent of Ac.0.15 cents of land from one Smt.Narasamma, W/o Ballavajjula Subbaiah, and her daughter Smt.Suseelamma, W/o Satyanarayana Sastry, by a registered sale deed dated 04.11.2004 and since then, the petitioners have been in possession and enjoyment of the same. As the respondents are trying to evict the petitioners from the land in question for the purpose of constructing a shopping complex, the writ petition is filed.

The first respondent filed a counter affidavit denying the alleged purchase of Ac.0.15 cents of land and also the alleged sale deed. It is categorically stated in the counter affidavit that the petitioners have no right, title or possession over the land in question, and that the land is earmarked for road and the same vests with the first respondent and therefore, the first respondent prays for dismissal of the writ petition.

The learned counsel for the petitioners contended that the petitioners have purchased the land in question under registered sale deed dated 04.11.2004 and as such they are the absolute owners and the respondents have no right to interfere with the petitioners' possession

and enjoyment of the property.

The questions as to whether the petitioners have got right, title and interest over the property and whether the petitioners are in possession of land in an extent of Ac.0.15 cents in Survey No.47-1 of Enumulapally village, Ananthapur District, are required to be adjudicated by a competent Civil Court. Since these are the disputed questions of fact relating to title and possession of the petitioners' property, the same cannot be adjudicated by this Court in exercise of jurisdiction under Article 226 of the Constitution of India.

In the above circumstances, the writ petition is disposed of with a direction to the petitioners to work out their remedies in the suit, which is stated to have been filed. The observations made in this order will not have any effect whatsoever in the civil proceedings. No costs.

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17.01.2005

VGB

To

1 The Chairman, Sri Satya Sai Urban Development Authority Puttaparty

Mandal, Anantapur District.
2 The Depot Manager, A.P.S.R.T.C., Puttaparty, Anantapur District.

3 2CCs to the G.P. for GAD & HMA, High Court of A.P., Hyderabad (OUT)

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